

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE: Robert Preston Benson
Malissa June Benson
Debtor

ORDER

Case number: 09-50995

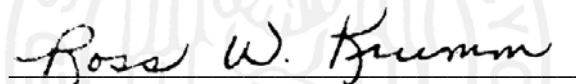
Came this day the debtor, by counsel, Heather R. Cash, (the transferee), and the Chapter 13 Trustee who have advised the Court that the Debtor filed this case on June 24, 2009; that the debtor did in or about August, 2008, transfer to the Transferee a 2006 Mitsubishi Eclipse (“the property”); that this transfer was, pursuant to Code section §548(a)(1)(B), one for less than a reasonably equivalent value; that as a condition of confirmation of this case they have reached an agreement regarding this transfer; that this case is otherwise ready for confirmation; and that entry of an order embodying this agreement is important to preserve the rights of this or any subsequent Trustee in this case to proceed against the above-described transfer of real estate.

WHEREFORE, for cause shown, and it otherwise appearing proper to do so, it is hereby **ORDERED** as follows:

1. Pursuant to 11 U.S.C. 105, the time limitation set forth in Code section §546(a) which limits the time period during which this Trustee, or any subsequent Trustee in this case, may bring an action against the Debtor, the Transferee, or any subsequent transferee of the above described property to recover said property under Code sections 544, 545, 547, 548, or 553 is hereby tolled, and shall not begin to run, until such time as:
 - a. (I) the Trustee has distributed the Debtor’s priority and unsecured creditors a net total of \$6,326.10, which is the amount required to meet the “Chapter 7 test” (Code section §1325(a)(4)) in this case, or

- b. (ii) this case is converted to a bankruptcy case under a different Chapter, whichever event occurs first.
2. The clerk shall cause a copy of this Order to be forwarded to the Debtor, Debtor's counsel, the Transferee, and the Chapter 13 Trustee.

Enter this 20th day of November, 2009.


JUDGE

SEEN AND AGREED:

/s/ Roland S. Carlton, Jr.
Roland S. Carlton, Jr., Esq.
Counsel for Debtor

/s/ Robert Preston Benson
Robert Preston Benson, Debtor

/s/ Malissa June Benson
Malissa June Benson, Joint Debtor

/s/ Heather R. Cash
Heather R. Cash, Transferee

SEEN AND AGREED:

/s/ Herbert L. Beskin
Herbert L. Beskin, Trustee